

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SIERRA CLUB,

Plaintiff,

vs.

FRANKLIN COUNTY POWER OF ILLINOIS,
LLC f/k/a EnviroPower of Illinois, LLC;
ENVIROPOWER, LLC; and
KHANJEE HOLDING (US) INC.,

Defendants.

Case No. 05-cv-4095-JPG

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff Sierra Club and against defendants Franklin County Power of Illinois, LLC f/k/a EnviroPower of Illinois, LLC, EnviroPower, LLC, and Khanjee Holding (US) Inc.;

IT IS FURTHER DECLARED that the defendants' construction of a power plant in Benton, Illinois, after February 10, 2003, violated the Clean Air Act, 42 U.S.C. § 7475(a);

IT IS FURTHER ORDERED AND ADJUDGED that defendants Franklin County Power of Illinois, LLC f/k/a EnviroPower of Illinois, LLC, EnviroPower, LLC, and Khanjee Holding (US) Inc. are permanently enjoined to stop actual construction of the power plant in Benton, Illinois, until they have obtained a valid PSD permit under the Clean Air Act, 42 U.S.C. § 7475(a);

IT IS FURTHER ORDERED AND ADJUDGED that Franklin County Power of Illinois, LLC f/k/a EnviroPower of Illinois, LLC, EnviroPower, LLC, and Khanjee Holding (US) Inc., jointly and severally, shall pay a penalty in the total amount of one hundred thousand dollars (\$100,000) plus post-judgment interest, fifty thousand dollars (\$50,000) of which, plus applicable interest, shall be paid to the Jackson-Union County, Illinois, affiliate of Habitat for Humanity for use in its Better Built Program, and fifty thousand dollars (\$50,000) of which, plus applicable interest, shall be paid to the Franklin County, Illinois, affiliate of Habitat for Humanity for use in establishing the Better Built Program within its organization or, if the Better Built Program has already been established by the Franklin County, Illinois, affiliate of Habitat for Humanity at the time the penalty is paid, for use in that program; and

IT IS FURTHER ORDERED AND ADJUDGED that costs, including attorney's fees and expert witness fees, are awarded to the plaintiff Sierra Club and against defendants Franklin County Power of Illinois, LLC f/k/a Enviropower of Illinois, LLC, EnviroPower, LLC, and Khanjee Holding (US) Inc., jointly and severally, in the amount of three hundred seventy-five thousand, nine hundred eighty-five dollars and seventy cents (\$375,985.70).

DATED: November 12, 2009

NANCY J. ROSENSTENGEL, Clerk of Court

Approved: s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE